

Minnesota State Guardian ad Litem Board ANNUAL REPORT 2012

*Providing independent guardians ad litem to advocate for the best interests
of children in juvenile and family courts*



A Message from the Chair of the State Guardian ad Litem Board

On behalf of the State Guardian ad Litem Board, I am pleased to present the 2012 State Guardian ad Litem Annual Report. The mission of the State Guardian ad Litem Board is to create and administer a statewide, independent guardian ad litem program to advocate for the best interests of children in juvenile and family court cases. We hope this report provides useful information to all our stakeholders regarding Board and Program activity in 2012.

By way of background, the State Guardian ad Litem Board came into existence in the fall of 2010 as a result of enabling legislation which moved the Guardian ad Litem Program from the court system and placed it under the Board. Since the Board began meeting, we have focused on maintaining 100 percent compliance with federal and state mandates, ensuring that mandated duties of the Board are carried out, studying the delivery of guardian ad litem services on a statewide basis, and designing and implementing administrative structure and procedures. In all of the Board's activities, we support the work of the guardian ad litem in providing a voice for the most vulnerable in the court system, children who are alleged to be abused or neglected.

We welcome your interest and support of the Guardian ad Litem Program and ask that you visit our Web site at <http://mn.gov/guardian-ad-litem> for the most current Program and Board information. Additionally, questions or concerns may be addressed to the GAL Program Administrator at suzanne.alliegro@courts.state.mn.us or 651-215-9467.

Sincerely,

Hon. Leslie Metzen
Chair, State Guardian ad Litem Board

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Program Highlights 2011-2012

The New GAL Board Establishes Its Governance Process, Mission, Guiding Values, and Strategic Goals

Early in 2011, the Board established its mission and identified its values:

Mission—The mission of the State Guardian ad Litem Board is to create and administer a statewide, independent guardian ad litem program to advocate for the best interests of children in juvenile and family court.

Values—The State Guardian ad Litem Board seeks safety and permanency for children by:

- Providing competent, cost-effective, and professional services by guardians ad litem, coordinators, managers, and program administration.
- Working as a unified and cohesive team to realize common goals and share statewide resources, ideas, and strategies.
- Providing fair and equitable treatment of guardians ad litem.
- Being sensitive to and competent in areas of culture, race, ethnicity, gender, and the long-term impact of violence, abuse and neglect on child development.

In addition, the Board adopted three strategic goals:

Strategic Goal 1: Quality Services—The Board will provide the structure and procedures to deliver quality services for each child within the jurisdiction of the Board.

Strategic Goal 2: Resources—The Board will demonstrate the need and build support for obtaining the resources needed to ensure the provision of quality guardian ad litem services statewide.

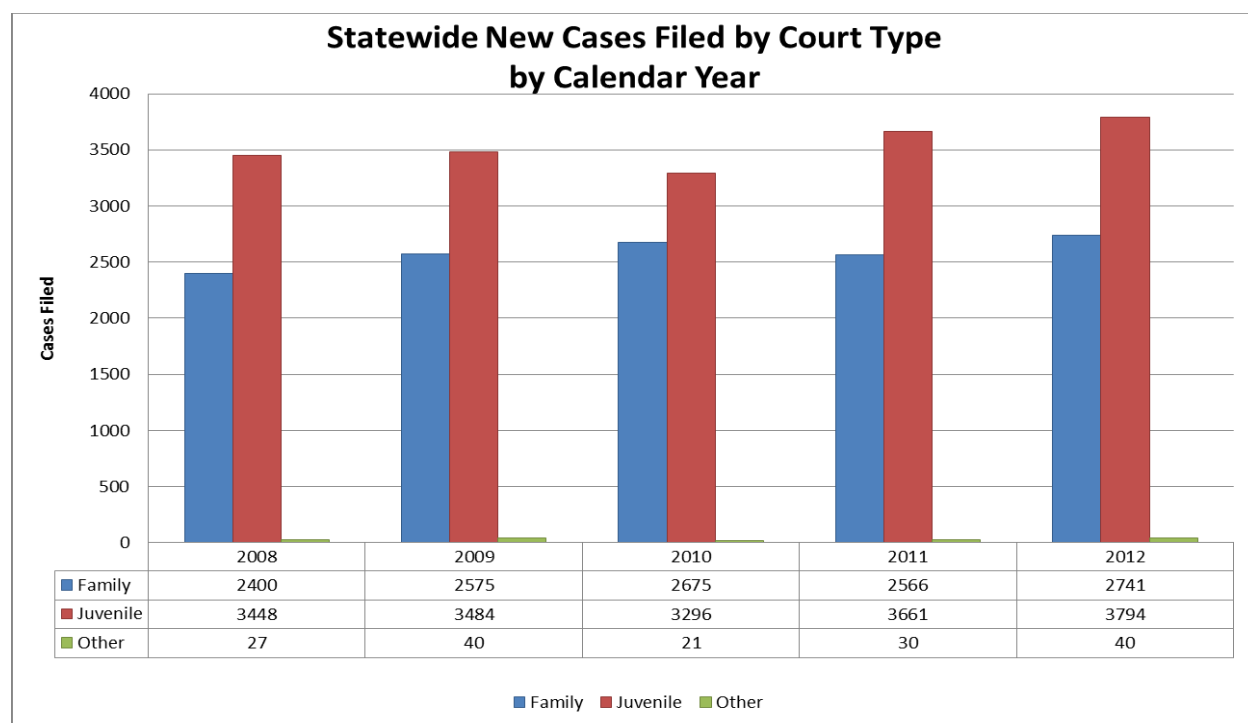
Strategic Goal 3: Alternative Approaches—The Board will encourage alternative approaches that may lead to early settlement of cases to best serve the children within the jurisdiction of the Board.

In its first two years, the GAL Board met almost monthly holding most meetings in St. Paul at the Minnesota Judicial Center. However, based on a commitment to engage in communities throughout the state, the Board has also held meetings in St. Cloud, Duluth, Bemidji, and Mankato.

See Appendix A for the GAL Board statutory duties.

Children Served in 2012

The GAL Program served 19,910 children in 2012. The following graphs provide statewide case filings in cases where GALs were appointed.

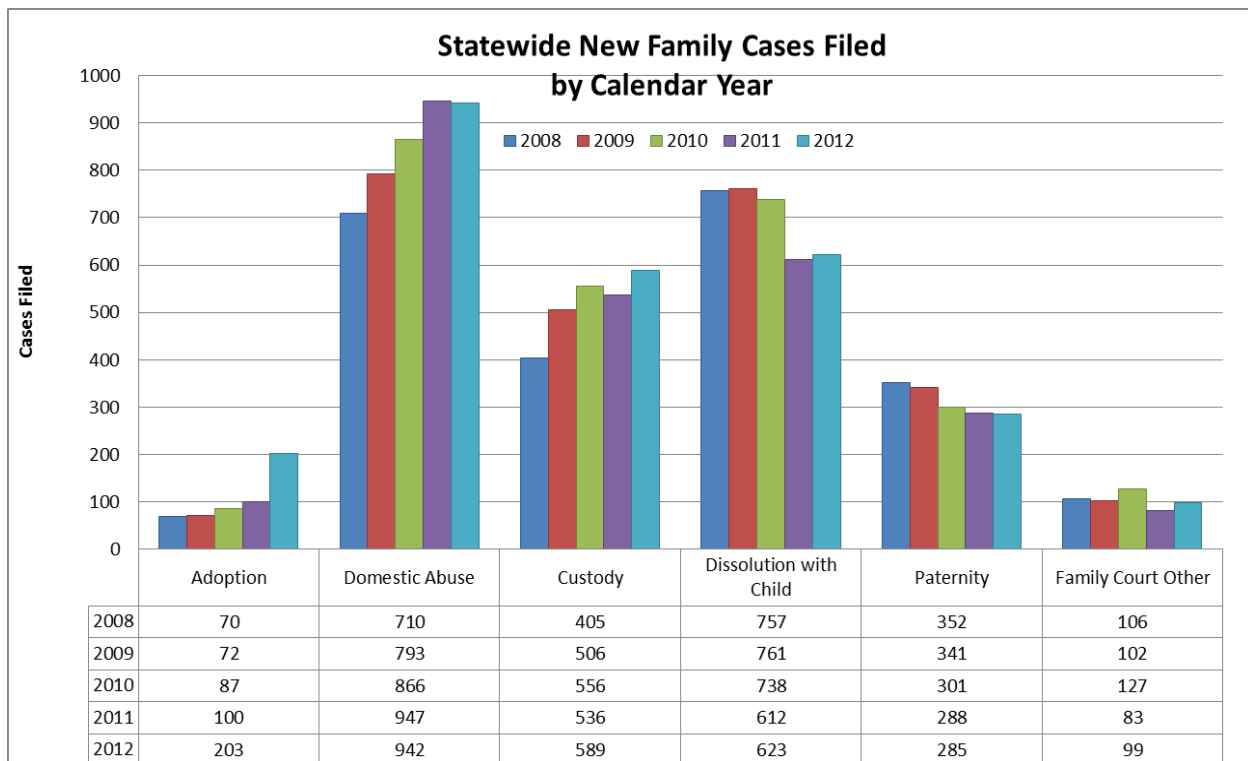


Source: GAL Galaxy Database

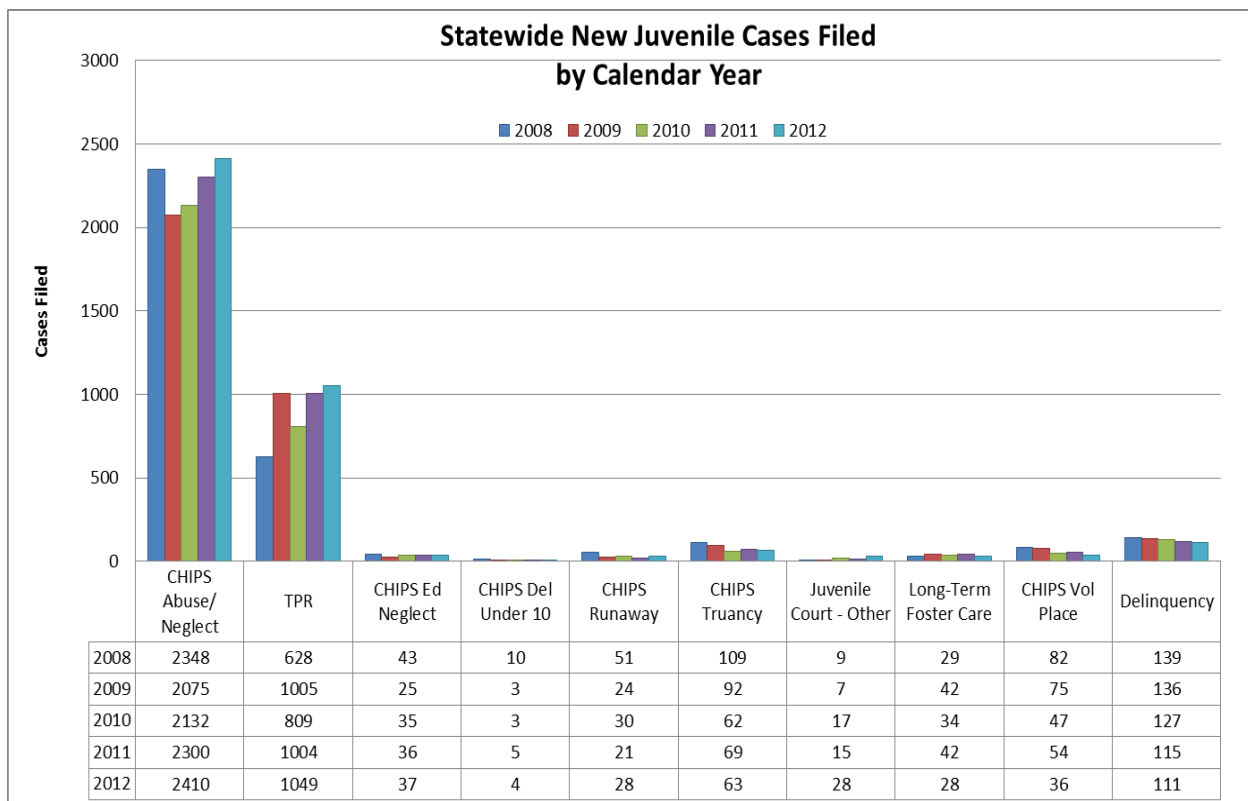
19,910
children served
in 2012

3,794 juvenile court
filings where a GAL was
appointed in 2012

2,741 family court
filings where a GAL was
appointed in 2012



Source: GAL Galaxy Database



Source: GAL Galaxy Database

Program Highlights from Across the State

Child Protection Cases

Spanish Speaking GAL in Truancy/Educational Neglect Cases—Nobles County in the Fifth Judicial District is the most ethnically diverse county in Minnesota with significant truancy and educational neglect issues. At the request of the court and truancy team, the GAL Program agreed to provide a Spanish-proficient GAL in all truancy matters. In the course of best interest advocacy, the GAL will provide valuable information for the court and team to triage these matters including being able to investigate before the first court hearing.

Use of Mediation in Juvenile Court Cases—The Second Judicial District GAL Program is participating in the Juvenile Mediation Program Steering Committee. The goals of the mediation program are to expedite permanency for children, improve case plans and case planning process, increase the effectiveness of court hearings, engender mediation participants' satisfaction and sense of procedural fairness, increase compliance with court orders through a better understanding of what is required, what is at stake, and how each participant is held accountable, and reduce state costs connected with child protection matters. The next steps are for the committee to determine the program design, program implementation and evaluation.

Older Youth in Care—The Fourth Judicial District GAL Program has placed special emphasis on and continues to make a concerted effort to assist adolescents in out-of-home placement care. The program is at 100 percent coverage for out-of-home placement and for those returning to foster care post-18 years old, with a goal toward preparation for successful adulthood. The Youth Through Independence plan will allow youth to leave out-of-home placement with an independent living plan including: high school diploma, employment and/or acceptable post-secondary education, health care coverage, a savings account, an affordable place to live, means of transportation, knowledge of community resources and connections to positive adults and families. The Fourth Judicial District GAL Program assigned certain GALs to handle these cases, and provided specialized training for them addressing these topics.

Expediting Permanency—The Second Judicial District has placed priority on resolving delays to permanency for children in the child welfare system. In conjunction with the Second Judicial District's Children's Justice Initiative members, the GAL Program is assisting in the piloting of roundtables to discuss cases that have been identified to have significant delays in permanency. The

goal is to determine systemic trends and issues that can be resolved to expedite permanency for children.

Casey Foundation Project—The Value of Permanency—The Sixth Judicial District GAL Program was invited to join St. Louis County Health and Human Services to be part of the Casey Foundation's The Value of Permanency project. The project goal is to find permanency for all children in foster care and especially to reexamine beliefs about permanency for children. Eighteen cases of children placed in long term foster care were selected for presentation and review by round table discussions including staff and stakeholders who worked with the children on these cases. Collaboration was seen as one of the keys to success. A permanency plan was developed for each case review. The overall outcomes were to increase competencies, breaking through systemic barriers, spreading the process statewide, and increase knowledge of skills, supportive community providers, and resources for permanency of youth in foster care.

Minnesota Foster Care Youth Selected for Special Internship Program

Michael Duval, a Duluth Native and a University of Minnesota—Duluth student was one of 15 college students selected from across the nation for a summer internship program in Washington, D.C. to work in Senator Amy Klobuchar's office as part of the Congressional Coalition of Adoption Institute's Foster Youth Internship program. The prestigious assignment provides individuals who have spent time in the U.S. foster care system with an opportunity to share their experiences, opinions and unique perspectives with policy makers in Congress.

Michael was given a new wardrobe, travel, room, and board and expenses to live in D.C. Michael had been placed in the homes of family and friends at the age of 13 after the death of his mother. He entered the state foster care system at 15. He had multiple placements, forcing him to change schools and homes, constantly leaving behind friends and classmates. Michael decided to remain in foster care until age 21. New state laws enable him to receive foster care payments to support himself while attending college. GAL Program Administrator, Suzanne Alliegro, forwarded the original announcement from the Congressional Coalition of Adoption Institute to the state GAL Program Managers, who then forwarded it to their GALs. Doug Osell, a GAL in the Sixth Judicial District GAL Program and Michael's GAL, forwarded the announcement to Michael and his social worker who completed the lengthy application process.

Michael was chosen from hundreds of applicants, which demonstrates that you never know what action will make a huge difference in the life of a child!

Crossover Youth Project—The Fourth Judicial District GAL Program is partnering with the District Court, Department of Community Corrections and Rehabilitation, Human Services and Public Health Department, Georgetown University Public Policy Institute Center for Juvenile Justice Reform, and the Casey Family Program to launch a practice model designed to strengthen the systems of care to serve youth who are involved in both the child welfare and juvenile justice systems. This collaborative model, Crossover Youth Project, seeks to deepen the interaction of these systems so that youth may ultimately have better outcomes for themselves, their families, and their communities. This pilot project goal is to provide better and more coordinated services to crossover youth, reduce the number of youth placed in out-of-home placement, reduce the use of congregate care, reduce the disproportionate representation of children of color, and reduce the number of youth crossing over and becoming dually involved, with an emphasis on educational stability.

Domestic Violence

Improved Communications with Domestic Violence Service Providers—The Fourth Judicial District GAL Program continues to make efforts to improve communication with the domestic violence service providers to ensure a respectful understanding of each other's roles and responsibilities to the children we serve. Some of the ongoing challenges continue to be the lack of resources for families, such as supervised parenting time centers and mental health/chemical health services. Our permissive cases can often be more complex and the children at times appear to be at higher risk than some mandatory cases.

Safe Haven Program—The Fourth Judicial District GAL Program will be participating in and have GAL representation as part of Hennepin County's Safe Haven program to support increased access to supervised visitation and safe exchange services for children and adult victims of domestic violence. The purpose of this project is to build a collaborative of community and governmental partners to improve services and ensure the safety for victims of domestic violence, dating violence, child abuse, sexual assault or stalking.

Orders for Protection (OFP) Rotational System—The Fifth Judicial District GAL Program needs as much time as possible to complete an investigation and report between the ex parte order and first hearing in OFP cases. The Program has implemented a pre-assigned on-call GAL court order that allows court staff to

complete and send GAL orders immediately without going through the GAL Manager or Coordinator.

Family Court

Brief Focused Assessments—Typical GAL family court investigations involve considerable time and expense and may be more than the court requires. In order to provide more flexibility for courts to request a focused assessment on discrete issues such as chemical dependency, mental health, educational issues, the Fifth Judicial District GAL Program will be providing brief focused assessments based on the court's needs. These less intrusive interventions may reduce cost and result in earlier resolution and less conflict while still providing valuable information to the court.

Social Early Neutral Evaluation Pilot—During the past several years, the Sixth Judicial District GAL Program has partnered with the Sixth Judicial District to provide Social Early Neutral Evaluation (SENE) trained evaluators for *in forma pauperis* and low income parties in family court cases. The Sixth Judicial District GAL Program has participated in approximately 70 SENEs. The Program speculates that a high number of these cases would have been assigned a GAL if SENE had not been available. Cases that settle in the SENE generally only require three to six hours of time to resolve the issues compared to a typical GAL family court assignment that requires at least 60 hours for the GAL to conduct an investigation and write their report. The GAL Program is finding that use of SENE saves time, money, and produces a more individualized outcome for children in these cases. In addition, SENEs reduce case time for judicial officers and court staff. The GAL Program will be conducting an analysis of these findings in the coming months.

eCourtMN in Both Juvenile and Family Courts

Minnesota's courts are moving toward a complete paperless, electronic environment. A statewide rollout is underway with 11 counties participating as pilots and others implementing voluntarily. These efforts include juvenile and family court cases and, therefore, impact the work of the GAL Program in all ten judicial districts. While the entire rollout of eCourtMN is expected to take several years, e-filing and e-service have already been implemented or will be in 2013 in the First (Dakota County), Second (Ramsey County), Fourth (Hennepin County), Fifth (Faribault County), Sixth (Cook and Lake Counties), Seventh (Morrison County), Eighth (Kandiyohi County), Ninth (Cass and Clay Counties), and Tenth (Washington County) Judicial Districts.

Collaborative Initiatives

The GAL Program collaborated with several partners to deliver important training for GALs in 2012. For the March 2012 Training Institute, representatives from Mille Lacs, Fond du Lac, Shakopee Mdewakanton Sioux, and other tribal communities presented a three-hour session called Working with Tribal Communities. At the December 2012 Training Institute, the Minnesota Coalition Against Sexual Assault sponsored four 90-minute sessions addressing various aspects of child sexual abuse. Also at the December 2012 Training Institute, the Minnesota Coalition for Battered Women presented a three-hour session called Working with Community-Based Mental Health Professionals in Family Court Cases When Domestic Violence Is Present.

Program History

The Minnesota Guardian ad Litem (GAL) Program has evolved considerably over the years. Here are some major milestones in the Program's history:

- 1974—Congress passes the Child Protection Abuse and Treatment Act (CAPTA), requiring states to pass legislation appointing a GAL in every judicial proceeding involving an abused or neglected child,
- 1986—Minnesota Judges Association developed the *Guidelines for Guardians Ad Litem*,
- 1999—the Minnesota Supreme Court adopted the Rules of Guardian ad Litem Procedure (GAL Rules) in January 1999 with responsibility for implementation of the rules resting with the Chief Judge in each of Minnesota's ten judicial districts,
- 2001—the Minnesota Legislature adopted legislation that created a unified, state-funded Program with administrative control residing in the Office of the State Court Administrator (SCAO),
- 2004—the GAL Rules were revised and system program standards were adopted by the Conference of Chief Judges,
- 2010—the Legislature enacted Minn. Stat. § 480.35, which created an independent State Guardian ad Litem Board that is part of the Judicial Branch but not under the administrative control of the courts,
- October 2010—GAL Board convened.

Definition of A Guardian ad Litem

The term guardian ad litem means “guardian for the lawsuit.” When the court is making decisions that will affect a child’s future, the child needs and deserves a spokesperson, i.e., an objective adult to provide independent information about the best interests of the child—the essence of the CAPTA provisions established in 1974. While other parties in the case are concerned about the child, the GAL is the only person whose sole concern is the best interests of the child, and he or she is assigned as an advocate for the duration of the court process. See Appendix B for the statutory duties of a GAL in Minnesota.

GAL input is one of several important pieces of information the judge uses in making an informed ruling on behalf of the child. GALs need to be an independent voice that is not influenced by any other party’s interests or position.

Types of Proceedings Where GALs Are Appointed

CAPTA, the federal law that mandates appointment of a GAL, and Minnesota law require the appointment of a GAL in child protection cases where there are allegations of abuse or neglect. Not all child protection cases make it to court but when the county removes a child from the care of their parent or legal guardian on an emergency basis or files a child protection petition in juvenile court, the court is required to appoint a GAL. Types of child protection proceedings include:

- child in need of protection or services (CHIPS) (abuse or neglect);
- permanent placement proceedings including:
 - termination of parental rights and adoption, or
 - guardianship to the commissioner of human services through a consent to adopt, or
 - transfer of legal and physical custody of the child to a relative.

In family court, Minnesota’s state statute requires the court to appoint a GAL on a family matter where the court has reason to believe that the child involved in the matter is a victim of abuse or neglect. Examples of family court matters include:

- dissolutions with children,
- custody or parenting time disputes,
- orders for protection, or
- paternity cases.

In addition, in family court matters where custody or parenting time is in issue, the court has discretion to appoint a GAL, i.e., the court may appoint a GAL if they believe it would be beneficial to the child or resolution of the issues.

Characteristics of Minnesota's GALs

Minnesota's approximately 600 GAL's are comprised of employees and volunteers. No two cases are ever exactly alike and so GALs are adept at tailoring their efforts according to the needs and duration of each individual case as shown in the case examples below.

GALs come from a variety of personal and professional backgrounds. Minimum qualifications include:

- B.A. or B.S. degree in psychology, social work, education, nursing, law, or a child-related discipline OR an equivalent combination of training, education or experience;
- the ability to relate to a child, family members, and professionals involved in the case in a careful and confidential manner;
- knowledge and appreciation of the ethnic, cultural, and socio-economic backgrounds of the families involved in juvenile and family court cases;
- a concern for children and willingness to speak up for a child's best interests; and
- responsible adult with good judgment and the common sense that comes with life experience.

All GALs are required to complete a 40-hour juvenile court training before or as they are assigned to their first case. Additional training is provided in:

- family court,
- domestic violence, and
- the Indian Child Welfare Act.

In addition, continuing educational opportunities to enhance skills are provided in person and online. Ongoing support and supervision are provided, as well.

GALs Have A Positive Impact in Children's Lives

Older Youth

A GAL in southwestern Minnesota had been appointed for several older girls in different cases. This GAL advocated for these girls as they transitioned out of care in foster

homes into their independent lives. Three of these young women went on to college. Of the three who went on to college, two of them got married. One of the young women who got married landed an excellent fulltime job and the other has continued with her college education. The third young woman is still in college and is studying to become a nurse.

Adoption for Abandoned Refugee Youth

A GAL in the Twin Cities had been appointed to an African refugee child who had been abandoned and left in a situation that was deemed unsafe and inappropriate. The county had placed this child in multiple placements that didn't work out and believed the child could not be adopted. The GAL worked hard to connect with this child's community to find a prospective adoptive parent. When the various agencies involved could not find a way to collaborate on this possible adoption, the GAL called and hosted a meeting of all the people and agencies involved. The meeting led to the creation of a transition plan for the child and the adoption proceeded.

GAL Helps Decrease Conflict

A GAL was appointed to two teenage girls in a post-dissolution case where the father had filed a motion for a change in custody. The children resided with the mother. One child refused to spend any time with her father and the other child expressed a strong desire to live with her father fulltime and had maintained her parenting time with her father, which consisted of every other weekend and two weekday nights. The GAL met with the girls in the mother's home, consulted collateral sources (other people and service providers in the girls' lives), and reviewed several documents provided by both the mother and the father. The GAL was concerned about the level of conflict in the family and chemical dependency issues for both parents. The GAL recommended chemical dependency evaluations for both parents. The GAL also recommended the family be evaluated by a psychologist to determine what types of services would be beneficial.

Three months passed and neither parent completed the chemical dependency evaluations. The father indicated he would withdraw his motion because he didn't want to subject his children to the assessment by the psychologist. The GAL brought the parents together in a telephone conference and helped the parents reach agreement to participate in family therapy and to have the chemical dependency evaluations completed. With the assistance of the GAL, the parents made progress in decreasing the level of conflict in the family. The father contacted the GAL after the phone conference to express his satisfaction with the process and the outcomes. Without the GAL's assistance, the older child may have continued to refuse contact with her father and the younger daughter may have become more disengaged from her mother.

Moving Out-of-State in Time for the Start of School

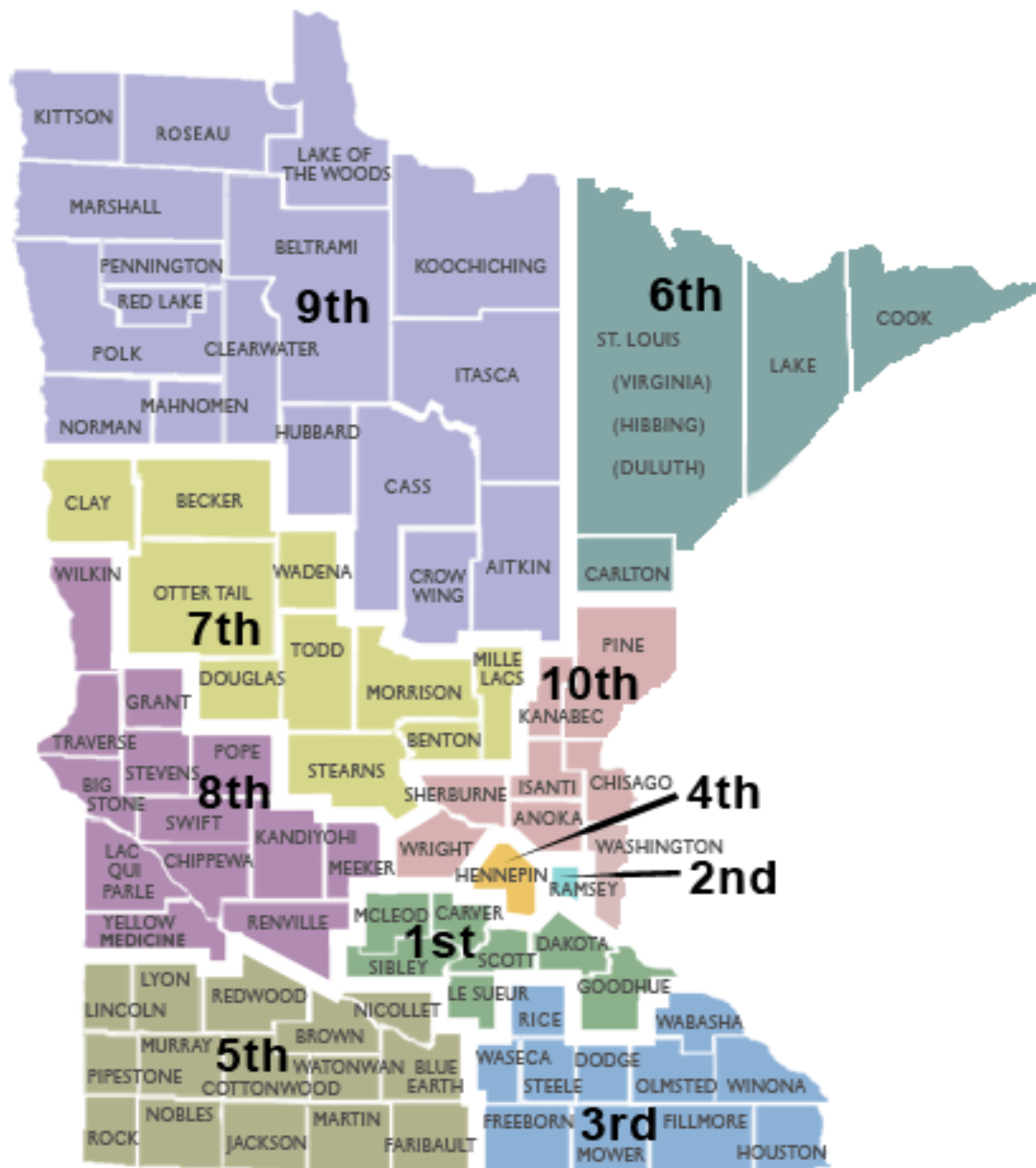
A GAL was appointed for a 14-year-old, Elizabeth, who was very close to her mother but her mother suffered from long-term mental health issues and an inability to provide for her daughter's needs. The GAL followed Elizabeth from her mother's care, to a shelter, and finally to foster care. Elizabeth had an opportunity to move to an aunt and uncle out-of-state who could provide for her but she was unable to make a decision because of her attachment to her mother. When the county worker told Elizabeth that she was going to move to her aunt's and uncle's and she had no choice, the GAL advocated for an extended summer visit and then for Elizabeth to return to Minnesota before a final decision was made. After a month-long visit with the aunt and uncle, Elizabeth decided to move there permanently. The next challenge was moving her there in time for the start of school. The county worker did not believe this could be done. The GAL obtained letters of support from the family out-of-state and from Elizabeth's therapist, and, most importantly, encouraged Elizabeth's mother to work with her attorney to agree to send Elizabeth to the family out-of-state. The GAL brought everything to the judge quickly and did not allow for delay. She encouraged the judge to think outside the box and stressed the importance of Elizabeth starting high school in her new home. The judge approved the request and Elizabeth moved in time for school and Elizabeth reports she loves her new home and school.

ICWA GAL Invokes Special Designation to Keep Children with Their Aunt

An Indian Child Welfare Act (ICWA) GAL was appointed to two Indian children, ages seven and eight. Initially, the boys were in the custody of their father but the father had been deported and had not returned to Minnesota. The boys then lived with their aunt. There were times when the mother attempted to care for her children but ultimately was not able to do so and the boys were returned to the aunt. The aunt asked for the court to intervene and transfer legal custody (TLC) to her. The mother agreed to the TLC. The county licensing worker identified an issue with a relative in the aunt's home that barred the home from being licensed. The ICWA GAL did not find the issue to be grave and because the children had been living in the home for several years, she proposed an arrangement based on a provision in the ICWA that deemed the aunt the children's Indian Custodian. The court approved the proposal and the children were allowed to return from emergency shelter care back to their aunt's home. Both children had expressed their desire to live with their aunt. Later, the court ordered the TLC with the mother's consent. The case was open only two months and permanency under the ICWA was achieved in a timely way. The GAL saw the oldest child at a recent community event; he recognized her, smiled, and said "Thanks!"

Program Organization

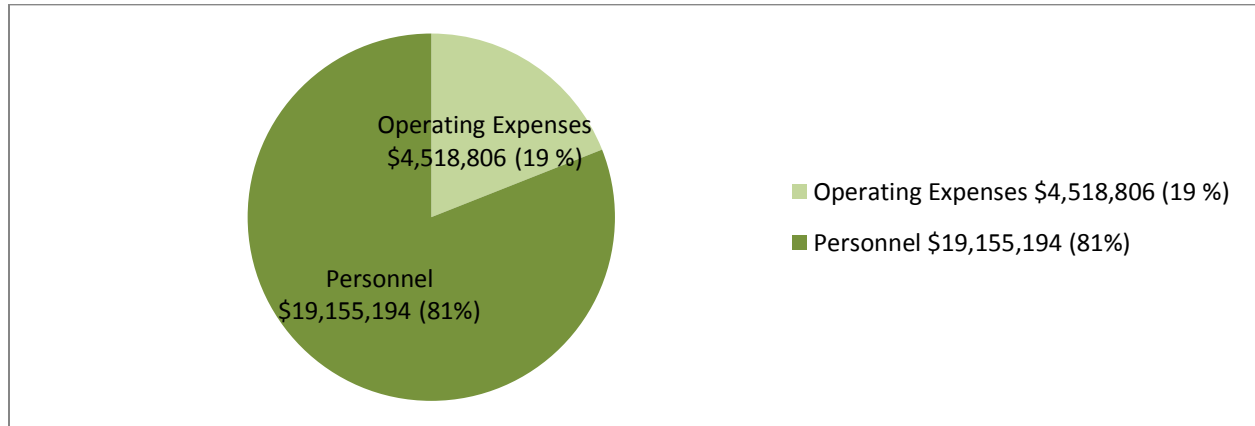
Minnesota's GAL Program is administered through ten judicial districts as depicted in the map below:



Program Budget History FY08-FY13

FY 08	FY 09	FY 10	FY 11	FY 12	FY 13
12, 271,000	12, 289,000	12,324,000	12,367,000	12,067,000	12,067,000

Total FY 12/13 Biennial Budget \$24,134,000



Program Board Members

Hon. Leslie Metzen, Chair, Term ends January 6, 2014
John Day, Term ends January 4, 2016
Hon. Paul Nelson, Term ends January 2, 2017
Robert Quinn Sawyer, Term ends January 5, 2015
Cyrenthia Shaw, Term ends January 4, 2016
Mark Toogood, January 5, 2015
Wright Walling, January 5, 2015

Program Managers

Suzanne Alliegro, State Program Administrator
Judy Peterson, First Judicial District
Kristen Trebil, Second Judicial District
Jane Glander, Third Judicial District
Laurie Kusek, Fourth Judicial District
Alex Miller, Fifth Judicial District
Ann LeRette, Sixth Judicial District
Brian Ansberry, Seventh Judicial District
Jody Skindeliën, Eighth Judicial District
Traci Kapella, Ninth Judicial District
Greg King, Tenth Judicial District

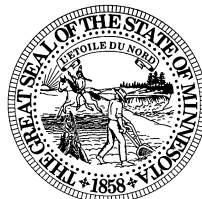
Your kindness
was appreciated.

Thank You For Helping
Me get Home! =)

Micah

Thank you note to a guardian ad litem who served on Micah's case.

State Guardian ad Litem Board
25 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155
651-215-9467
<http://mn.gov/guardian-ad-litem>



Appendix A

Statutory Duties of the Minnesota State Guardian ad Litem Board

The Board's enabling statute establishes both mandated and permissive duties for the Board:

Mandated duties:

- Approve and recommend to the Legislature a budget for the Board and Program
- Establish procedures for distribution of funding
- Establish standards, administrative policies, procedures, and rules that affect a GAL's work
- Appoint a Program Administrator

Permissive duties:

- Adopt standards, policies, or procedures necessary to ensure quality advocacy for best interests of children
- Propose statutory changes to the Legislature and Rules changes to the Supreme Court
- Appoint an Advisory Committee

Appendix B

Statutory Duties of A Guardian ad Litem in Minnesota

Minn. Stats. § 260C.163 Subd. 5 in juvenile court and 518.165 in family court provide the basic structure for the role of a GAL. A GAL is appointed to advocate for the best interests of the child to whom they are appointed. In this role, according to the statutes, a GAL is to:

1. Conduct an independent investigation to determine the facts relevant to the situation of the child and the family;
2. Advocate for the best interests by participating in appropriate aspects of the case and advocating for appropriate community services when necessary;
3. Maintain confidentiality of information related to a case, with the exception of sharing information as permitted by law to promote cooperative solutions that are in the best interests of the child;
4. Monitor the child's best interests throughout the judicial proceeding;
5. Present written reports on the child's best interests that include conclusions and recommendations and the facts upon which they are based.